

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.4073 of 2026**

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Bhushan Constech and Marketing Private Limited, a Company incorporated under the Companies act, having its office at Main Road, Maner, through its Director, Shashi Bhushan Singh, aged about 36 years Male, Son of Ram Prasad Singh, resident of Village- Patila, Main Road Maner, P.S.- Patila, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Rural Works Department, Government of Bihar, Fifth Floor, Vishweshwaraiya Bhawan, Patna, Bihar.
2. The Additional Chief Secretary, Rural Works Department, Government of Bihar, Fifth Floor, Vishweshwaraiya Bhawan, Patna, Bihar.
3. The Secretary, Rural Works Department, Government of Bihar, Patna, Bihar.
4. The Deputy Secretary, Rural Works Department, Government of Bihar, Fifth Floor, Vishweshwaraiya Bhawan, Patna, Bihar.
5. The Engineer in Chief- 01 (Patna), Rural Works Department, Government of Bihar, Fifth Floor, Vishweshwaraiya Bhawan, Patna, Bihar.
6. The Superintending Engineering, Rural Works Department, Work Circle Patna, Patna.
7. The Executive Engineer, Rural Works Department, Work Division Patna, Patna.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner | : | Mr. Suraj Samdarshi, Advocate<br>Mr. Avinash Shekhar, Advocate |
| For the State      | : | Mr. Raghawanand, GA-11<br>Mr. Prabhat Kumar, A.C. to GA-11     |

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**and**  
**HONOURABLE MR. JUSTICE SHAILENDRA SINGH**  
**ORAL ORDER**

**(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)**

2      25-03-2026                      Heard learned counsel for the parties.

2. The present writ application has been filed for the  
following reliefs:-

*“ i) To issue an appropriate writ,  
order or direction in the nature of certiorari for*



*quashing order dated 12.12.2025 contained memo no. 12663 dated 17.12.2025 passed by Respondent Secretary, Rural Works Department, whereby and whereunder the appeal preferred by the petitioner against the blacklisting order passed by Respondent Engineer in Chief contained in memo no. 9436 dated 01.09.2025, has been rejected merely on the grounds of delay.*

*ii) To issue an appropriate writ, order or direction in the nature of certiorari for quashing order contained in memo no. 9436 dated 01.09.2025 issued by the Respondent Engineer in Chief whereby and where under the Petitioner has been blacklisted for a period of two years.*

*iii) This Hon'ble Court may further adjudicate and hold that the impugned order of blacklisting contained in memo no. 9436 dated 01.09.2025 has been passed in a mechanical manner without application of mind.*

*iv) This Hon'ble Court may further adjudicate and hold that the action of the Respondent Authorities, in blacklisting the petitioner for a period of two years is complete arbitrary exercise of authority/power.*

*v) This Hon'ble Court may adjudicate and hold that the appellate authority could not have rejected the petitioner's appeal solely on the ground of delay in filing.*

*vi) To grant any other relief or reliefs which the Petitioner may be found entitled to in the facts and circumstances of the case.”*



3. The Appellate Authority, by order dated 12.12.2025, communicated vide Memo No. 12663 dated 17.12.2025 (Annexure-P/10), has rejected the appeal on the ground of limitation. It is evident therefrom that no adjudication on the merits of the case has been undertaken by the Appellate Authority.

4. Learned counsel for the petitioner submits that in similar cases, the penalty/punishment imposed was blacklisting for a period of three months, as reflected from Annexure-P/11 to the writ application.

5. In view of the aforesaid, the order dated 12.12.2025 (Annexure-P/10) is hereby set aside and the matter is remitted back to the Appellate Authority for fresh consideration.

6. If the petitioner files a fresh appeal within a period of thirty days from today, the same shall be considered and decided by the Appellate Authority in accordance with law, after taking into consideration the orders passed in similar cases, as brought on record vide Annexure- P/11 and after affording due opportunity of hearing to all the stakeholders. The Appellate Authority shall dispose of the said appeal preferably within a period of ten weeks from the date of filing of the appeal.



7. With the aforesaid observation, the present writ application stands disposed of.

8. Pending application(s), if any, shall also stands disposed of.

**(Sudhir Singh, J)**

**(Shailendra Singh, J)**

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